

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:16-cv-00404-MR-DSC**

TRACEY N. DeBRUHL,

Plaintiff,

vs.

**BUNCOMBE COUNTY SHERIFF'S
DEPARTMENT; SHERIFF JACK VAN
DUNCAN; LT. KEVIN CALHOUN;
LT. RONEY HILLIARD; and OFFICER
NATALIE BAILEY,**

Defendants.

ORDER

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 7]; the Plaintiff's filing entitled "Introduction of new Evidence. Reply to Defendants RESPONSE TO NOT RESPOND. Motion to resume case. Motion for Sheriffs Department to produce PUBLIC RECORD!" (hereinafter "Motion to Resume") [Doc. 11]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 12] regarding the disposition of the parties' motions.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable David S. Cayer, United States Magistrate Judge,

was designated to consider the parties' motions and to submit a recommendation for their disposition.

On March 30, 2017, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the parties' motions. [Doc. 12]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

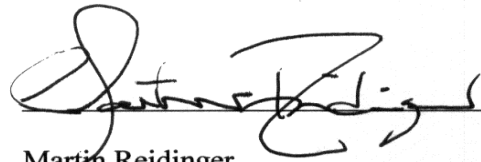
After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendants' Motion to Dismiss be granted and the Plaintiff's Motion to Dismiss be denied.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 12] is **ACCEPTED**; the Defendants' Motion to Dismiss [Doc. 7] is **GRANTED**; and the Plaintiff's "Introduction of new Evidence. Reply to Defendants RESPONSE TO NOT RESPOND. Motion to resume case. Motion for Sheriffs Department to produce PUBLIC RECORD!" (hereinafter "Motion to Resume") [Doc. 11] is **DENIED**.

IT IS FURTHER ORDERED that this matter is hereby **DISMISSED**
WITH PREJUDICE.

IT IS SO ORDERED.

Signed: April 21, 2017


Martin Reidinger
United States District Judge

